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Attorneys for  
BROCADE COMMUNICATIONS SYSTEMS, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE BROCADE COMMUNICATIONS  
SYSTEMS, INC. DERIVATIVE LITIGATION

This Documents Relates to:

ALL ACTIONS

Case No. C 05-02233 CRB

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXTENDING TIME LIMIT  
TO ANSWER, MOVE OR  
OTHERWISE RESPOND TO THE  
SECOND AMENDED COMPLAINT**

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME LIMIT TO ANSWER, MOVE OR OTHERWISE  
RESPOND TO THE SECOND AMENDED COMPLAINT  
No. C05-02233-CRB

1 WHEREAS, the defendants Antonio Canova, Neal Dempsey, Seth D. Neiman, and Gregory  
2 Reyes (collectively the "original defendants") executed a waiver of service of summons in *Knee v.*  
3 *Reyes, et al.*, C-05-02233, which became the lead case among the consolidated cases;

4 WHEREAS, this Court ordered that related shareholder derivative cases including *Knee v.*  
5 *Reyes, et al.*, C-05-02233, be consolidated into a single derivative action on August 19, 2005;

6 WHEREAS, on January 6, 2006, this Court granted the motion to dismiss filed by Brocade  
7 Communications Systems, Inc. ("Brocade" or "the Company") and dismissed the consolidated  
8 amended derivative complaint with leave to amend after a demand had been made on and responded  
9 to by the Brocade Board of Directors;

10 WHEREAS, on February 22, 2008, Brocade's Board of Directors formed a Special Litigation  
11 Committee (the "SLC") to act on the Company's behalf with respect to derivative actions;

12 WHEREAS, on August 1, 2008, Brocade, by and through the SLC, filed a Second Amended  
13 Complaint in this action;

14 WHEREAS, Brocade sent waiver of service of summons forms to defendants Paul R.  
15 Bonderson, Jr., Robert Bossi, Jack Cuthbert, Stephanie Jensen, and Mark Leslie on August 5, 2008  
16 (collectively, the "added defendants"), each of whom was added as a defendant in this action by the  
17 Second Amended Complaint;<sup>1</sup>

18 WHEREAS, by the terms of the waiver of service of summons, upon execution within the  
19 prescribed time period, the added defendants have sixty (60) days from August 5, 2008 by which to  
20 answer, move, or otherwise respond to the Second Amended Complaint, making their answer,  
21 motion, or other response due on or before October 6, 2008.

22 WHEREAS, the original defendants acknowledge and re-affirm their previously executed  
23 waivers of service of summons, and the original defendants and Brocade have agreed to put the  
24 original defendants on the same time period to answer, move, or otherwise respond to the Second  
25 Amended Complaint as the newly added defendants, namely, October 6, 2008.

26 <sup>1</sup> Counsel for Brocade sent waiver of service of summons forms on August 6, 2008 to defendant  
27 Michael J. Byrd, who likewise was added to this action by the Second Amended Complaint.

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NOW THEREFORE, the parties to this stipulation agree, subject to the Court's approval, as follows:

1. Defendants Antonio Canova, Neal Dempsey, Seth D. Neiman, and Gregory Reyes shall have to and including October 6, 2008, within which to answer, move or otherwise respond to the Second Amended Complaint.
2. By entering this stipulation to establish a uniform response date, no party is waiving any argument, right or defense (including, among other things, those related to statutes of limitations issues), except as to issues related to service of summons, as to which the original defendants hereby acknowledge and re-affirm their previously executed waivers of service of summons.

Dated: August 13, 2008

Dewey & LeBoeuf LLP

By: /s/ Peter E. Root

Peter E. Root  
Attorneys for Plaintiff and Nominal Defendant  
Brocade Communications Systems, Inc.

Dated: August 13, 2008

Heller Ehrman LLP

By: /s/ Norman J. Blears

Norman J. Blears  
Attorneys for Defendant  
Antonio Canova

Dated: August 13, 2008

K&L Gates LLP

By: /s/ Jeffrey L. Bornstein

Jeffrey L. Bornstein  
Attorneys for Defendant  
Neal Dempsey

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1950 University Avenue, Suite 500  
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1 Dated: August 13, 2008

WilmerHale LLP

2  
3 By: /s/ Jonathan A. Shapiro

4 Jonathan A. Shapiro  
5 Attorneys for Defendant  
Seth D. Neiman

6 Dated: August 13, 2008

Skadden, Arps, Slate, Meagher & Flom LLP

7  
8 By: /s/ Garrett J. Waltzer

9 Garrett J. Waltzer  
10 Attorneys for Defendant  
Gregory L. Reyes

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I Peter E. Root, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 13th day of August 2008 at East Palo Alto, California.

Dated: August 13, 2008

Dewey & LeBoeuf LLP

By: /s/ Peter E. Root

Peter E. Root

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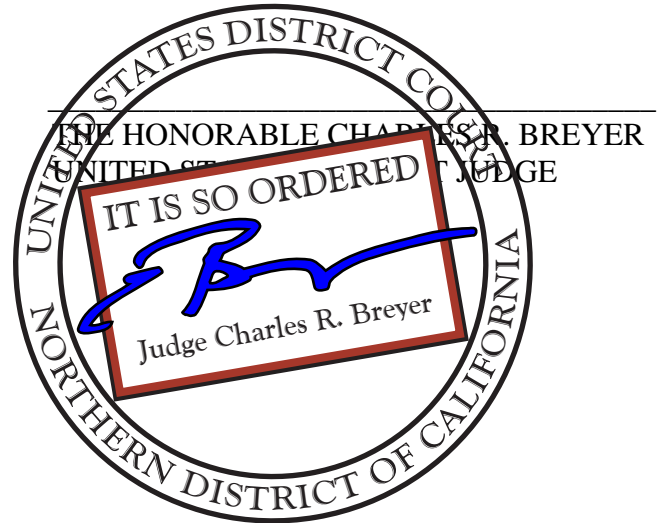
*Attorneys for Plaintiff*  
**BROCADE COMMUNICATIONS  
SYSTEMS, INC.**

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~~[PROPOSED]~~ ORDER

Upon Stipulation of the Parties and good cause appearing therefore, IT IS SO ORDERED.

Dated: August 18, 2008



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